

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RESIDENTIAL FUNDING COMPANY, LLC,

Plaintiff,

-v.-

SUNTRUST MORTGAGE, INC.,

Defendant.

No. 13-civ-8938

**DEFENDANT SUNTRUST MORTGAGE, INC.'S  
NOTICE OF MOTION TO DISMISS COMPLAINT**

PLEASE TAKE NOTICE that upon the annexed Declaration of John P. Doherty, dated March 5, 2014, and the exhibits annexed thereto, the accompanying Memorandum of Law in Support of Its Motion to Dismiss Plaintiff's Complaint, dated March 5, 2014, and all other papers and proceedings heretofore had herein, Defendant SunTrust Mortgage, Inc. ("SunTrust"), by and through their undersigned attorneys, will move before the Honorable Ronnie Abrams, United States District Judge at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 9(B), New York, New York 10007, on such date as the Court will determine,

for an Order dismissing Plaintiff's Complaint for failure to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(6).

Dated: New York, New York  
March 5, 2014

Respectfully submitted,

ALSTON & BIRD LLP

By:



John P. Doherty

John.doherty@alston.com

Jennifer S. Kozar

Jennifer.kozar@alston.com

90 Park Avenue

New York, New York 10016

(212) 210-9400

*Attorneys for Defendant SunTrust  
Mortgage, Inc.*